

**PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING
THURSDAY, NOVEMBER 15, 2007 – 10:00 AM
CITY HALL, 8TH FLOOR
COMMISSION CONFERENCE ROOM**

BOARD MEMBERS PRESENT

Peter Partington, City Engineer
Sharon Miller, Assistant City Attorney III
Tony Irvine, City Surveyor
Tom Terrell, Public Works Maintenance Manager
Anthony Fajardo, Planner II
Carol Ingold Mordas, Parks Supervisor
Michael Maloney, Code Enforcement Manager

STAFF AND GUESTS

Victor Volpi, Senior Real Estate Officer
Major Paul Kiley
Major Russ Hanstein
Captain Labendra
John Ray
John Daly
John Miller
Nectaria Chakas
Mike Ferber
Alan Goldberg
Bill Rotella
Dan Weinstein, TCR
Paul Gerald, TCR
Gary Rotella
Linda Shutt
Elizabeth Rivera, Recording Clerk, Prototype Inc.

CALL TO ORDER

Mr. Partington called the meeting to order at 10:09 a.m., and stated this was a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public right-of-way.

Following roll call, it was determined that a quorum was present.

ITEM ONE: APPROVAL OF OCTOBER 8, 2007 MINUTES

Motion made by Mr. Terrell, seconded by Mr. Fajardo, to approve the minutes from the October 8, 2007 meeting. In a voice vote, the motion passed unanimously.

Mr. Partington requested that Item Four on the agenda be moved forward in the meeting as it was a very straightforward issue and could be dealt with quickly. The Board agreed.

ITEM FOUR: **OVERPASS / RIVERSIDE HOTEL**

Address or

General Location: Sagamore Road and SE 4 Street, between Federal Highway and SE 8 Avenue and south of E Oakland Park

Mr. Miller explained that the last item was the eastern overpass bridge. The DRC has no issues relating to the eastern overpass and are supportive of the overpass bridge. Mr. Miller stated that since there are no outstanding issues, he requested the Board move forward with approval.

Mr. Irvine voiced concern that there was no written confirmation, and no DRC representative present. Mr. Irvine requested that the item be moved back to the correct order in the agenda until a DRC member could speak to the issue.

A DRC member present confirmed there were no issues.

Motion made by Mr. Irvine, seconded by Mr. Terrell, to approve both overpasses as submitted. In a voice vote, the motion passed unanimously.

ITEM TWO: **CAMERAS IN RIGHT-OF-WAY**

Address or

General Location: the median isle of NE 26 Avenue, west of 2601 NE 8 Street

Mr. Partington requested more information on why the cameras were needed and how they would operate. Mr. Daly explained that there had been theft in the neighborhood, and that recording the license plates of those entering the neighborhood would enhance security. Mr. Daly stated that the cameras would be in line with the guard house, and would be out of the way and obscured by plants and landscaping.

Mr. Partington asked how long the cameras would record. Mr. Daly explained there would be a two to three week loop on a hard drive. The tapes could only be removed by the police in the event of a crime. Mr. Partington asked who would have access to view the recording, and Mr. Daly answered only the Board members and the police.

Mr. Volpi stated that he understood there were similar cameras in the rights-of-way in other neighborhoods. Mr. Partington questioned the legal aspect of recording people entering the neighborhood. Mr. Volpi questioned whether others would be able to access the tapes for reasons other than security.

Mr. Irvine asked whether the Board wanted to be a party to observing people 24 hours a day by private surveillance. Mr. Irvine stated that if someone wanted to put a camera in a private residence, that would be fine. Mr. Partington argued that when a person is on private property they could be recorded, but the difference here is that the Association would be recording people on the public right-of-way.

Mr. Partington continued by stating that cameras on traffic lights specifically do not keep any kind of recording, probably for a legal reason. Mr. Irvine explained that he had no problem with recording in a right-of-way for the police, but was concerned about private citizens observing other private citizens.

Ms. Ingold asked if there were plans to put gates at the guard houses. Mr. Daly verified that gates were a part of the package and had already been approved. Ms. Ingold asked if there would be value in recording just the license plates and not people's faces. Major Kiley explained that any information gathered during a crime enhanced the police's ability to solve and prevent crime. Major Kiley stated that other people would only be able to view the tapes through a public records request, and that the tapes would be helpful to the police in their investigations.

Mr. Irvine appreciated law enforcement's need for good investigative tools, but wondered where it would stop if private entities were allowed to use public resources to record the movements of citizens. Mr. Irvine questioned why the cameras could not be put to the side on private easements of the adjoining property owners. Mr. Daly stated that there was only one entrance into the neighborhood, and that the neighborhood had voted on and agreed to the cameras at the guard houses. Mr. Daly continued that other neighborhoods had been allowed to do the same thing with no problems. Mr. Partington emphasized that it is not a private neighborhood; the streets are public and the public has a right to be in there.

Mr. Terrell stated that the streets are public, and that even the gate arms do not restrict access to the neighborhood. Mr. Terrell agreed he would have no problem with the police department putting cameras there, and the police

department had the only access to the recordings. Mr. Terrell noted that his concern was with the Homeowner's Association being able to view the tapes.

Mr. Irvine suggested that the Association make a "gift" of the equipment to the Police Department to be installed at the location. Major Kiley informed the Board that there is a process for people to make donations to the City through the City Manager's office.

Ms. Miller indicated the policy needed to be reviewed, and that the police should bring the issue to the Commission. Ms. Miller recommended the Chair write the City Attorney asking for legal opinions.

Mr. Partington stated there are cameras at the entrance to other neighborhoods, but questioned whether the cameras were on private property, and if the recordings were kept for any length of time. Mr. Partington asked if the installation of the cameras would fall under an existing revocable license agreement. Ms. Miller answered that she did not know, because she was not aware who would be in control of the cameras.

Mr. Partington asked where the cameras would be placed. Mr. Daly explained that the cameras would be coming out of the ground, and be just above the hedge line videotaping as the cars come into the neighborhood. There would also be a camera on the other side at about the same level, recording the faces of the drivers. Mr. Partington stated there would need to be an engineering permit, and probably some legal mechanism.

Motion made by Mr. Irvine, seconded by Mr. Terrell, to recommend donation of the cameras, equipment, and maintenance costs to the Police Department. The approval mechanism be worked out in concert with the City Attorney's office, and any Commission approval, if necessary, be sought. The donation would be subject to the Police Department's agreement to accept. In a voice vote, the motion passed unanimously.

Mr. Daly verified that the Association would be willing to donate the equipment to the Police Department and confirmed there was no plan to go online with any recordings made, adding that the only way to access the recordings was with a DVD player, and only in the event of a crime.

ITEM THREE: **STAGING PERMIT**

Address or
General Location: 411 NE 5 Street

Ms. Chakas stated that "The Alexan" project, formerly known as "The Commons," had all necessary building permits, and they were now beginning preliminary construction on the site. Photographs of the areas to be closed were distributed, with Ms. Chakas explaining that the closures were necessary due to the method of construction for the project.

Ms. Chakas proposed a closure of about 500 feet of 4th Avenue, a portion of which is used by multi-family dwellings for access. Other affected buildings are not currently in use. The closure would be necessary for approximately four months. The second closure is the entire length of 5th Avenue. The adjoining property has consented in writing to the closure. The closure would be necessary for approximately eight months.

Mr. Gerard, Project Manager, distributed a site plan to the Committee. Mr. Gerard explained that the first construction would be the west townhouse section, right below 4th Avenue. Mr. Gerard stated that the project consisted of two seven-story buildings on the north and the south sides, and two five-story townhouse buildings on the east and the west sides, with a parking garage in the middle. Mr. Gerard proposed that the west portion of the townhouses would be built first, on 4th Avenue, and would be using a tunnel form construction. Concrete walls and concrete decks would be poured at the same time. Mr. Gerard explained that this construction method requires a great deal of space.

Mr. Gerard assured the Committee that at no time would the crane sit in the right-of-way, nor would materials be stored or staged in the right-of-way. Mr. Gerard discussed the details of the construction method being used, and explained that this method would require at least 40 feet from the building for safety.

Ms. Chakas emphasized that the right-of-way would not be used for storage, and that the site plan allowed for right-of-way improvements as a part of the project.

Mr. Partington asked for detail regarding the reconstruction of 4th Avenue, and if there would also be utility construction.

Mr. Gerard explained that the existing water main on 4th Avenue would be replaced as a separate MOT. Mr. Partington asked if that work would be done during the requested road closure. Mr. Gerard assured the Committee that the water main work had been included in the stated time frame. The reconstruction of the roads would be completed at the end of construction, with traffic circles being constructed on 4th Avenue, 5th Avenue, and 5th Street.

Mr. Irvine noted that the parking garages were not a part of the project, and asked for timing on building of the parking garages. Mr. Gerard stated that the parking would be built simultaneously, but under different permits.

Mr. Volpi asked if both roads would be shut down at the same time. Mr. Gerard stated that the contractor is preparing a traffic plan. Mr. Gerard explained that the water main requires an off-site permit, and that if time constraints allowed, the water main would be completed during the construction time. Mr. Irvine questioned whether they would extend the road closure time based on the water main construction. Mr. Terrell asked if there would be road closures off and on throughout the construction period. Mr. Gerard agreed it would be safe to assume other closures would be necessary, and the construction would incorporate as much construction into the closure times as possible.

Mr. Goldberg, representative of the Red Cross building, stated that he had only learned about the road closure two days ago, and had not seen the plans in advance, so it was difficult to comment in great detail. Mr. Goldberg expressed concern with access to the building. He stated that although at the present time the building is not being utilized, contractors and architects have been retained to reconstruct the interior, exterior, and parking areas to allow for new tenants. Mr. Goldberg stated that the new tenants are anxious to move into the building as quickly as possible.

Mr. Goldberg asserted that the construction would be for a very protracted period of time, during which access to the building would be inhibited, and might not even allow the building to be utilized during that time as there is no other access. Mr. Goldberg stated that, while he did not want to impact the construction, the needs of the adjoining buildings had to be considered. Mr. Goldberg suggested that the Committee send the issue back to Trammell Crow to outline a specific program, and then meet with the neighboring building owners to accommodate everyone's needs.

Mr. Partington asked for clarification on the location of the building. Mr. Goldberg stated that the building would only be concerned with the 4th Avenue portion of the construction. Mr. Partington asked if there was access from 3rd Avenue. Mr. Goldberg stated that there is a very narrow, poorly maintained alleyway that would not allow for truck traffic for construction.

Captain Labendra, District 2 Police Department, expressed concerns with emergency response access for oversized public safety vehicles. Captain Labendra asked that the fire truck and paramedic issues be taken into

consideration in the planning. The size and speed of the vehicles create special issues that need to be considered.

Captain Labendra requested information on site security for the construction site, and a detailed security plan. Captain Labendra asked if the Chamber of Commerce and Flagler Heights Homeowners Association had been included in the planning since they will be heavily impacted.

Mr. Partington expressed concern that the issue should be deferred to a later time when Trammell Crow could adequately address the community concerns. Ms. Chakas stated that Trammell Crow felt they could close only half the right-of-way to allow access for the Red Cross Building, which would allow access from 4th Avenue and from the alleyway. Ms. Chakas stated that Trammell Crow would be willing to work with the property owners, but that construction had already started, and a 30 day delay to come back to the Committee would put the construction in an "uncomfortable" situation. Ms. Chakas asserted that closing half the right-of-way was a good compromise.

Mr. Partington disclosed that there was not a great deal of sympathy for the construction as they had been urged throughout the development review process to come up with a construction plan.

Mr. Fajardo asked how the construction would impact the pedestrian sidewalk on 4th Avenue. Ms. Chakas informed the Committee that pedestrian traffic would be redirected down the alleyway to 6th.

Ms. Chakas reminded the Committee that the closures would only be during the construction hours, and not 24 hours a day.

Mr. Partington stated that he was not aware of problems with the 5th Avenue closure. Mr. Partington detailed that the license would be revocable, prepared by the City Attorney's office, and the process would probably take two Commission cycles to receive the license. Mr. Partington expressed concern with drafting a compromise without hearing from all affected parties. Ms. Chakas requested that the construction be allowed to go forward on 5th. Mr. Partington stated the Commission could not just agree to closures without the basis to make an intelligent decision. Mr. Partington suggested that a recommendation be made on 5th Avenue to enable the revocable license to proceed, and ask Trammell Crow to work with the neighboring property owners before 4th Avenue was added to the license.

Mr. Irvine continued to have concerns with the timeline of the water line, and that 60 working days is three months, not the four months stated by Trammell Crow.

Motion made by Mr. Partington, seconded by Mr. Irvine, to approve, in principal, the closure of 5th Avenue for eight months, and that due diligence be done on 4th Avenue and bring that information back to the Committee. In a voice vote, the motion passed unanimously.

Mr. Irvine offered an amendment regarding the following issues to be worked:

- Arrangements with the Red Cross building and the Chamber of Commerce for access.
- Incorporate a water line timeline with the closure to prevent further closures.
- A plan allowing emergency vehicle access for both Fourth and 5th Avenues.

Mr. Ferber, a local property owner, encouraged the Committee to allow the construction to begin without unnecessary complications or delays. Mr. Ferber pointed out that the area is basically uninhabited, and emergency calls were nonexistent in the proximity of the construction site.

Ms. Allen, Parking Services, requested that staging of construction vehicles be included in the revocable license for the parking areas.

ITEM FIVE: **VACATION OF ALLEY**

Address or

General Location: between SW 14 Court and SW 15 Street and SW 4 Avenue and the FEC Railroad

This item was deferred.

There being no further business to come before the Committee the meeting adjourned at 11:10 a.m.